

ORIGINAL

District Court of the United States  
Judicial District of Texas

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS <b>FILED</b> NOV 13 2014 CLERK, U.S. DISTRICT COURT By _____ Deputy	11/13/14 ch
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UNITED STATES OF AMERICA ) No. 4:14-CR-00023-A

v.

CHRISTOPHER ROBERT WEAST )

) Special Visitation Only

Evidence in Support of Challenge to Territorial  
Jurisdiction, Subject Matter Jurisdiction and Personal  
Jurisdiction

1. Exhibit 1G - Forty-First Congress. Sess. III. Ch. 62  
1871
2. Exhibit 1H - Territorial Jurisdiction on Federal  
Property (transcript) from Homeland Security  
Website
3. Exhibit 7 - Response letter from the House of  
Representatives regarding Congress's limited authority  
over the states of the Union.
4. Exhibit 1J - Incorporation documents of UNITED  
STATES OF AMERICA, INC. showing proof of its  
Religious status.
5. Exhibit 07.012 - Response letter from Social  
Security Administration.

6. Exhibit 06.001 - Affidavit of Bret W. Ogilvie,  
response from United States Senate, October 17, 2006,  
Response from United States Senate October 17, 2006,

7. Exhibit 02.011 - Public Law 97-280, 97th Congress,  
96 STAT. 1211.

All Rights Reserved  
/s/ Christopher Roberts (Pro Hac Vice)  
CHRISTOPHER ROBERT WEAST  
Under Protest

<b>16. CITIZENSHIP: (check only one)</b> <input type="checkbox"/> Constitutional but not statutory "Citizen". "national" but not "citizen" under federal law pursuant to 8 U.S.C. §1101(a)(2)(i) and 8 U.S.C. §1452. Born in state of the Union and a "nonresident" (per 26 U.S.C. §7701(b)(1)(B)) but NOT an "alien" (per 28 U.S.C. §7701(b)(1)(A)) or "individual" (per 26 CFR §1.1441-1(c)(3)). "Stateless Person" as per <i>Newman-Green v. Alfonso Larrain</i> , 490 U.S. 826 (1989). <u>Constitutional</u> diversity of citizenship pursuant to U.S. Const. Art. III, Section 2, but NOT <u>statutory</u> diversity pursuant to 28 U.S.C. §1332. Rebut the following if you disagree within 30 days or you stipulate it as truth. <a href="http://sedm.org/Forms/MemLaw/WhyANational.pdf">http://sedm.org/Forms/MemLaw/WhyANational.pdf</a>	<b>17. DOMICILE (check only one):</b> <input type="checkbox"/> Nonfederal areas within de jure state of the Union: _____ (state name). NOT part of the "State" defined in 26 U.S.C. §7701(a)(10), 4 U.S.C. §110(d), or 28 U.S.C. §1332(e) or of the "United States".
<input type="checkbox"/> Statutory but not constitutional "U.S. citizen". Described in 8 U.S.C. §1401. Born anywhere in the country and domiciled in the District of Columbia or federal territory or possession.	<input checked="" type="checkbox"/> Kingdom of Heaven on Earth. I have a religious objection to having an earthly domicile within any existing, man-made government. I am a "transient foreigner" but not an "inhabitant" with respect to the man-made government having jurisdiction in the place where I temporarily live. The Bible says in Psalm 89:11-13, Isaiah 45:12, Deut. 10:14 that the Earth was created and is owned exclusively by God and NOT any man or government of men. It also says in Psalm 47:7 that God is the King of all the Earth. Therefore no one but God's Kingdom can have domiciliaries because presence on the territory of the Sovereign is a prerequisite to all declarations of domicile and allegiance.
<input type="checkbox"/> Statutory "U.S. national". Described in 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B), and 8 U.S.C. §1452. Born anywhere in the country and domiciled in American Samoa or Swain's Island	<input type="checkbox"/> Not within any government on earth. I choose not to politically associate with any group or government on earth for my protection. The First Amendment to the Constitution protects my right of freedom from compelled association. I am a "transient foreigner" but not an "inhabitant" of the place where I live.
<input type="checkbox"/> Foreign National. Country: _____ Nonresident alien under 26 U.S.C. §7701(b)(1)(B)	<input type="checkbox"/> "United States" (District of Columbia, see 26 U.S.C. §7701(a)(9) and (a)(10))
<input type="checkbox"/> Dual nationality. Non-citizen national of USA (NOT "U.S.") pursuant to 8 U.S.C. §1452 AND the following country, nation, or government: _____  For description of "non-citizen national" see third item below.	<input type="checkbox"/> Federal areas within state: _____ (state name)
<input checked="" type="checkbox"/> Dual nationality. Non-citizen national of USA (NOT "U.S.") pursuant to 8 U.S.C. §1452 AND Kingdom of Heaven on Earth. See "Constitutional but not statutory 'Citizen' above for meaning of "non-citizen national".	<input type="checkbox"/> Foreign country or government: _____  (name of foreign country or government). See 26 U.S.C. §892(a)(3) for definition of "foreign government".
<input type="checkbox"/>	<input type="checkbox"/> Federal territory or possession. Territory/possession name: _____

**18. DIPLOMATIC STATUS**  
 The following statuses constitute internationally protected persons pursuant to 18 U.S.C. §112 who are immune (not "exempt") from federal income taxation pursuant to 26 U.S.C. §892. Those claiming such status must file IRS Form W-8EXP to claim immunity from taxation.

<input checked="" type="checkbox"/>	Employee or agent of God's government on earth. Abandoned all aid and protection of man-made government and became a "stateless person" pursuant to <i>Newman-Green v. Alfonso Larrain</i> , 490 U.S. 826 (1989); Phil. 3:20, Psalm 119:19, Psalm 68:8-9.
<input type="checkbox"/>	Minister or ambassador of a foreign state or government: _____ (State name). See 26 U.S.C. §892(a)(3) for definition of "foreign government".
<input type="checkbox"/>	Employee or agent of a foreign government. Government name: _____.

**STATUS OF PARTICIPATION OF SUBMITTER FOR HEARING OF THIS PLEADING OR MOTION**  
 Presence of Submitter in the instant matter shall be by "special visitation". He is a nonresident party and a transient foreigner who is not subject to the territorial or subject matter jurisdiction of this foreign tribunal and he/she does not waive his/her rights or voluntarily consent to the jurisdiction of this court by making an "appearance" in this matter:  
  

appearance. A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The voluntary submission to a court's jurisdiction.

In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf. See e.g., Fed.R.Crim.P. 43.

An appearance may be either general or special; the former is a simple and unqualified or unrestricted submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court. *Insurance Co. of North America v. Kunin*, 175 Neb. 260, 121 N.W.2d 372, 375, 376.  
 [Black's Law Dictionary, 6<sup>th</sup> Edition, p. 97]

This submission or petition and all submissions to this court instead constitutes a Petition for Redress of Grievances protected and guaranteed under the Petition Clauses of the First Amendment to the United States Constitution. If this matter is being heard by a Magistrate Judge, be advised that

pursuant to 28 U.S.C. §636(c), consent of BOTH parties to the action to the jurisdiction of the Magistrate is required, and that Submitter does NOT consent to said jurisdiction.

Submitter of this form:

1. Reserves all rights without prejudice pursuant to UCC 1-308 and its predecessor, UCC 1-207 in all places and at all times and waives no rights at any time or in any place.
2. Is not acting in a representative or security capacity within these proceedings. Denies being either a "public officer" as described in 26 U.S.C. §7701(a)(26) or "employee" of the United States as described in 5 U.S.C. §2105 and 26 U.S.C. §3401(c). Not in possession of any evidence proving the contrary.
3. Is a "foreign sovereign" protected by the Foreign Sovereign Immunities Act, 28 U.S.C. Part IV, Chapter 97. As such, the Court and a government opponent are violating due process of law if they do not satisfy the requirements of the Minimum Contacts Doctrine described by the U.S. Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945). A failure or omission by the Court or the government opponent to satisfy the Minimum Contacts Doctrine shall constitute a tacit admission by both that this court is exceeding its jurisdiction, operating in a political rather than legal capacity, and that any rulings beyond that point are VOID. World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980) ("A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732-733 (1878)").
4. Is a "Stateless Person" in relation to the national government as per Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989). Claims constitutional diversity of citizenship pursuant to U.S. Const. Art. III, Section 2, but NOT statutory diversity pursuant to 28 U.S.C. §1332.
5. Has sent notice via Certified mail to the Attorney General and Secretary of State rescinding all signatures on all government forms he may have ever signed, and demanding that all obligations which the government wishes to enforce against him MUST be in writing with his signature on it. The signed writing must list every right or obligation arising from said obligation. Thus, he has reserved for himself the same kind of sovereign immunity as the government enjoys. Our government is a government of finite, delegated, enumerated powers and cannot possess sovereign immunity unless We the People who delegated that sovereign immunity also possess it. This notice acts as the equivalent of a statute of frauds preventing the government from manufacturing parole evidence from third parties to entrap him into participating in federal franchises which he has never knowingly or directly consented to.
6. Never knowingly consented to participate in any government franchise and cannot lawfully consent because not domiciled on federal territory or occupying a public office at the time consent given. Constitutional rights that are "unalienable" cannot be bargained away in relation to the government, and doing so is a breach of the public trust and TREASON. This includes Social Security, Medicare, FICA, unemployment insurance, etc. All presumptions that Submitter is engaged in any government franchise or in receipt of any government benefit are a violation of due process of law, do not constitute evidence, and result in involuntary servitude in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1589 and various treaties. This includes Social Security or a "trade or business" (26 U.S.C. §7701(a)(26)), all of which are only available to persons domiciled on federal territory pursuant to 20 CFR §422.104 and 26 U.S.C. §911(d)(3), which the Submitter is NOT.
7. Pursuant to the Declaratory Judgments Act, 28 U.S.C. §2201(a), if this is a tax proceeding, the Court is foreclosed from declaring or attributing any civil or statutory status to the Submitter OTHER than that what is described on this form and in all affidavits and pleadings filed by him or her in this matter. The "state" of his domicile enjoys EXCLUSIVE jurisdiction over his status and his unalienable rights. Kegley v. Kegley, 16 Cal.App.2d 216, 60 P.2d 482, Cal.App. 3 Dist. 1936 ("The courts of this state also have sole and exclusive jurisdiction over the status of those domiciled within its boundaries. Delanov v. Delanov, 216 Cal. 27, 13 P.2d 719, 86 A.L.R. 1321").

#### SECTION 4: FACTS AND PRESUMPTIONS ESTABLISHED BY THIS FORM

The following facts and presumptions shall be, will be, and are conclusively established by attaching this form to the pleading or motion it accompanies:

1. Submitter of this form does not consent to the jurisdiction of any Magistrate pursuant to Fed.R.Civ.Proc. 73(b) and 28 U.S.C. §636(c).
2. That the court and parties construe this document as an ADVANCED PROTEST of any Magistrate Order resulting from this event, pursuant to Fed.Rule.Civ.Proc. 72(a). Basis for the protest is that the Submitter does not consent to the order as required by 28 U.S.C. §636 and therefore:
  - 2.1. The order is MOOT and constitutes a PROPOSAL or SUGGESTION, but not an AGREEMENT of any kind.
  - 2.2. The proposed order constitutes "political speech" that will and may be disregarded following the proceeding because it does not constitute evidence of an obligation pursuant to F.R.E. 610.
  - 2.3. Confers NO RIGHTS upon the government or the Submitter.
  - 2.4. The Submitter at all times throughout this proceeding RESERVES ALL RIGHTS to him/her self, pursuant to UCC 1-207 and its successor, UCC 1-308 and surrenders none because no appearance has ever or will ever be entered in this proceeding by Submitter before this Executive Branch, Article IV tribunal.
  - 2.5. Whoever presides over this case may NOT prejudicially "presume" that rights were surrendered by a failure to object within the 10 days allowed by Fed.Rul.Civ.Proc. 72(a), but rather, should conclude that the proceeding that produced the order was null and void ab initio, and without ANY affect on any of the parties.
3. That if the court or the opposing party abuse Fed.Rule.Civ.Proc. 72 to make a FALSE presumption that the Submitter consented to the jurisdiction of the court by failure to object AFTER the errant Magistrate issues his or her unauthorized and MOOT ORDER, then this document shall constitute "reasonable and constructive notice" to the prejudicially presumptuous party that they have engaged in an IMPLIED CONTRACT to substitute themselves as the Submitter in this proceeding, and agree to assume all the liabilities and consequences of the litigation that might ensue to the Submitter. Any party who tries to abuse Fed.Rule.Civ.Proc. 72 to manufacture presumptions about consent to the court by the Submitter deserves to be a victim of the same prejudicial behavior that they are illegally instituting against their opponent. No government can lawfully exercise any delegated authority that their boss, We the People, cannot ALSO have, retain, or use against others. This is a requirement of equal protection of the laws. Equality under the Law is paramount and mandatory by law.
4. That the court and the parties construe that this attachment applies to ALL PAST, PRESENT, AND FUTURE FILINGS in this court, even if not attached. Any later versions of this form attached to future petitions/motions/or responses shall retroactively supersede this form.
5. That the Court and the government construe all information returns, including but not limited to IRS forms W-2, 1042S, 1098, and 1099, to be false and fraudulent. The government is specifically demanded to criminally prosecute the submitters of these false information returns pursuant to 26 U.S.C. §§7206 and 7207 and to immediately adjust any reported amounts of "wages" or "gross income" or "income" to zero in their Information Return Master File (IRMF) derived from these sources. Submitter is not engaged and never has been lawfully or consensually engaged in a "trade or business" or a public office in the U.S. government as required by 26 U.S.C. §6041, nor has he ever derived any "benefit" from such participation. This request was already made in the Legal Notice of Change in Domicile/Citizenship previously sent to the federal and state governments, but I am reminding the recipient again to ensure that you keep this in mind. See and rebut:  
The "Trade or Business" Scam, Form #05.001; <http://sedm.org/Forms/FormIndex.htm>.

[Chisholm, Exr. v. Georgia, 2 Dall. (U.S.) 419, 1 Led. 454, 457, 471, 472] (1794)]

Permitting, tolerating, or condoning any other approach would constitute allowing the government to create a religion, which we define as any system of belief or opinion that is not or cannot be supported by authoritative admissible evidence. The word "frivolous" is not statutorily defined and therefore there is no evidence upon which to base an inference about what it means. Any use of the word therefore encourages beliefs that cannot be substantiated with evidence and therefore are inadmissible as evidence pursuant to Fed.Rul.Ev. 610. If you as a "public servant" want to tell your "sovereign", which is me, that he or she is wrong, you must do so using only sources of evidence that the government identifies as credible as documented below and which are verified under penalty of perjury as indicated below. NO PRESUMPTIONS, OPINIONS, OR EMOTIONS or slanderous rhetoric, but only facts and evidence signed under penalty of perjury! All presumptions are a violation of due process of law that render a VOID judgment:

Reasonable Belief About Income Tax Liability, Form #05.007; <http://sedm.org/Forms/Formindex.htm>

8. That the Court cite legislatively foreign case law not from the domicile of the Submitter (as required by Federal Rule of Civil Procedure 17(b)) or refuse to satisfy the requirements of the Minimum Contacts Doctrine in the case of the Submitter if it agrees with the facts, law, and arguments of the Submitter on a specific issue. The Submitter calls this tactic "punting", whereby irrelevant case law is used to disguise or conceal or encrypt a lack of genuine lawful jurisdiction by a court. This tactic has proved a favorite tactic of U.S. attorneys who know they lack jurisdiction. The Submitter reminds this Court that his/her domicile is not within any United States Judicial District or any Internal Revenue District and is not located on federal territory, and therefore no case below the U.S. Supreme Court may be cited. In fact, the only remaining Internal Revenue District under Treasury Order 150-02 and confirmed by 26 U.S.C. §7408(d) is the geographical description in Article 1, Section 8, Clause 17 of the Constitution, being that of the District of Columbia. Certainly, federal tax questions are "federal questions" to be handled exclusively by federal courts, but ONLY in the case of franchisees engaged in a "trade or business" who are called "taxpayers" defined under 26 U.S.C. §7701(a)(14), which the Submitter declares under penalty of perjury that he is NOT. Subtitle A of the Internal Revenue Code is "private law" that may only be applied to those who voluntarily make themselves subject to it, by entering into federal "public office", which is described in the code as a "trade or business" and defined as a "public office" (see 26 U.S.C. §7701(a)(26)) in the federal corporation defined in 28 U.S.C. §3002(15)(A). See: <http://sedm.org/Forms/MemLaw/TradeOrBusScam.pdf>. There is no enacted positive law statute nor federal rule, including Fed Rule Civ Proc. 17(b), which would confer jurisdiction upon this Court to unilaterally change the domicile of the Submitter so as to create jurisdiction that does not otherwise lawfully exist.

*"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."*

[Cooper v. Aaron, 358 U.S. 1 (1958)]

*"... the official would not be excused from liability if he failed to observe statutory or constitutional limitations on his powers or if his conduct was a manifestly erroneous application of the statute..."*

[Butz v. Economou, 438 U.S. 478 (1978)]

The U.S. Supreme Court and the Court of Claims are the only courts with the authority to rule on "international matters" such as this involving "nonresident aliens" who are "nontaxpayers", "transient foreigners", and "foreign sovereigns" with constitutional diversity of citizenship pursuant to U.S. Constitution Article III, Section 2 but not statutory diversity pursuant to 28 U.S.C. §1332(a)(2) such as the case of the Submitter. Even the IRS abides by this rule of not citing case law below the U.S. Supreme Court as codified in the Internal Revenue Manual. If they are entitled to have that position, then I'm entitled to equal protection as well:

IRM, 4.10.7.2.9.8 (05/14/99)

1 "Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position. 2. Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code. 3. Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers."

9. That the Court cite case law that is inconsistent with the circumstances of the litigant indicated in the previous item or which is derived from below the level of the U.S. Supreme Court as a way to admit or indicate that it is in agreement with the Submitter, that it is breaching its fiduciary duty toward the Submitter, and that it is involved in a conspiracy against rights against the Submitter.

*"Fraud in its elementary common law sense of deceit -- and this is one of the meanings that fraud bears [483 U.S. 372] in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir.1985) -- includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud. When a judge is busily soliciting loans from counsel to one party, and not telling the opposing counsel (let alone the public), he is concealing material information in violation of his fiduciary obligations."*

[McNally v. United States, 483 U.S. 350 (1987)]

10. That if the Court uses the word "taxpayer" to refer to the Submitter, that it shall mean a person not liable for any internal revenue tax under Subtitle A of the Internal Revenue Code and the opposite of that defined in 26 U.S.C. §7701(a)(14) unless and until it proves with evidence and not presumption that the Submitter is otherwise liable. That means it must produce a statute making him liable and then prove using the Statutes At Large that the section it is citing is positive law and therefore legally admissible evidence in the context of these proceedings pursuant to 1 U.S.C. §204. All presumption which prejudices constitutionally guaranteed rights is unconstitutional and a tort. Neither does the Declaratory Judgments Act, 28 U.S.C. §2201(a) confer upon this Court the authority to "presume" or declare that the Submitter is a "taxpayer" if he or she states under penalty of perjury that he or she is a "nontaxpayer" not subject to the I.R.C.. All such prejudicial presumptions against a natural person protected by the Bill of Rights constitute a tort by the judge and an implied waiver of official and judicial immunity. The foundation of our system of jurisprudence is innocence until proven guilty, which means I am a "nontaxpayer" not subject to the I.R.C. until court admissible evidence and my OWN CONSENT to the I.R.C. Subtitle A franchise agreement/contract makes me a "taxpayer" and therefore a federal "public officer".

3. The term "Employer Identification Number" or "EIN" as used on the attached government forms IS NOT the number issued under the authority of 26 U.S.C. §6109 or any other Act of Congress. Instead, it means a "Nontaxpayer Identification Number" or "NIN" as defined above.
4. The term "Taxpayer Identification Number" or "TIN" as used on the attached government form IS NOT the number issued under the authority of either 26 U.S.C. §6109 or any other Act of Congress. Instead it means a "Nontaxpayer Identification Number" or "NIN" as defined above.
5. All "Nontaxpayer Identification Numbers" or "NINs", or any other synonym described in items 2 through 4 of this section and included in any form or attachment included herein or submitted on any previous government form are the exclusive, licensed, copyrighted intellectual property of the Submitter. They are protected by the Copyright Act codified in Title 17 of the U.S. Code and this license agreement. Any use by the government of this property for any commercial or government purpose, including tax collection, is **STRICTLY PROHIBITED**. Each unauthorized use is punishable by a penalty of \$100,000 per incident plus any tax or penalty assessment associated with the unauthorized use.
6. Providing any kind of identifying number on any government form shall NOT be evidence of consent to engage in a privileged "trade or business" franchise as described in 26 U.S.C. §7701(a)(26). Instead, it shall be evidence of NONconsent to engage in said franchise and a formal request to criminally prosecute the employer, financial institution, and/or government entity associated with the submission for criminal racketeering in violation of 18 U.S.C. §1956 and "extortion under the color of law" for compelling the use of said identifying number in violation of 42 U.S.C. §408.

**WARNING!** It is a crime in violation of 42 U.S.C. §408(a)(8), 18 U.S.C. §911, and 18 U.S.C. §912 to use or compel the use of any government issued identifying number in connection with the Submitter, such as a Social Security Number (SSN) as defined in 20 CFR 422.103(d), Taxpayer Identification Number (TIN) as defined in 26 U.S.C. §6109, or Employer Identification Number (EIN) as defined in 26 U.S.C. §6109. Submitter:

1. Does not participate and is not lawfully eligible to participate in Social Security or the "trade or business" excise taxable franchise described in 26 U.S.C. Subtitle A.
2. Is not a statutory "U.S. person" for which a Taxpayer Identification Number may lawfully be used pursuant to 26 U.S.C. §6109, 26 CFR §301.6109-1.
3. May not lawfully use or possess any government identifying number because it is "public property" which belongs to the government pursuant to 20 CFR §422.103(d). Only "public officers" on official business may lawfully use public property, and only in strict accordance with law for the benefit of the government and not them as private individuals.
4. Is making special visitation here as a PRIVATE man/woman and not a PUBLIC OFFICER. If you compel Submitter to use a government identifying number, you are an accessory to criminal conversion of private property to a public use and a public purpose if you connect me or my assets with a public number in violation of 18 U.S.C. §654. You could end up in jail for up to ten years if you put an identifying number on any records pertaining to me or my property, assets, or my earnings from PRIVATE employment.
5. Has been a victim of identity theft, compelled association, and conversion by a corrupted covetous government and its agents in banks and financial institutions in the past by unlawfully and involuntarily connecting him/her with knowingly false and fraudulent identifying numbers in criminal violation of 18 U.S.C. §1028(a)(7), 18 U.S.C. §1028A, and a civil violation of 42 U.S.C. §408(a)(7) and 42 U.S.C. §405(c)(2)(C)(i). He would like to prevent a recurrence of this behavior again.
6. Will file a criminal complaint in connection with the use of any government issued identifying number connected with his exclusively PRIVATE life, property, and liberty and vociferously prosecute all those who unlawfully compel him to use a knowingly false number or any number at all in order to obtain any service or product in violation of 42 U.S.C. §408, 18 U.S.C. §911, and 18 U.S.C. §912.

## SECTION 7: DEFINITION OF KEY "WORDS OF ART" ON ALL EVIDENCE AND GOVERNMENT FORMS SUBMITTED BY EITHER SIDE IN THIS CASE

*"When words lose their meaning, people will lose their liberty."  
[Confucius, circa 500 B.C.]*

This section shall and does define key terms used on any associated or attached government forms and all evidence submitted in this case on both sides, all correspondence received by the federal or state governments about me sent by either myself or third parties, or any correspondence sent by any state or federal government to me. The time period to which these definitions relate are the past, present, and future. This form is necessitated by the fact that:

1. The Bible makes it a religious sin to "presume" anything. See Numbers 15:30, NKJV.
2. It would therefore be a religious sin to either presume or to condone or encourage others to presume.
3. There is no credible definition for any of the words used on any government form and the IRS Internal Revenue Manual Section 4.10.7.2.8 says that not only all their forms, but EVERYTHING published by the IRS is UNTRUSTWORTHY.
4. The Courts have also said that what the IRS says is untrustworthy as well.

Therefore, I as the human originating this communication with the government am the only credible source of definitions for the words that I use. The power to create implies the power to define, and I'm the one creating the information relied upon in this case as evidence. This is further explained using the government's own words and publications below, which the recipient is challenged to rebut within 30 days or forever be estopped from later challenging:

Reasonable Belief About Income Tax Liability, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

Definitions:

### COURT TERMS:

1. **"code", "the code"**: The bible of a state sponsored church which is special law and a franchise that requires the express consent of those who choose to be governed by it in order to have the "force of law". For those who don't expressly consent, the "code" is not law, but political religion disguised to "look" like law. Hence, "color of law". Those who don't read this code or know the law are often unwittingly deceived into obeying it through their own legal ignorance and the abuse of "words of art" by licensed attorneys, who are the deacons of the state-sponsored church. When legal practitioners (e.g. judges/priests or licensed attorneys/deacons) falsely portray this "code" as law to the ignorant, the innocent, and the non-consenting, they function as missionaries for the Church known as "this Honorable Court".

*"Do you not know that if you continually surrender yourselves to anyone to do his will, you are the slaves of him whom you obey, whether that be to sin, which leads to death, or to obedience which leads to righteousness (right doing and right standing with God)?" [Romans 6:16, Amplified Bible]*



- 9.1. NOT the entity described in 26 U.S.C. §7701(a)(14) or 26 U.S.C. §1313 or any other statute or regulation published by the United States federal government..
- 9.2. NOT subject to any provision of the Internal Revenue Code or any other statute or regulation published by the United States federal government, which is foreign law.
- 9.3. Whose entire estate is a "foreign estate" pursuant to 26 U.S.C. §7701(a)(31).
10. **"dollar"**: 1/20<sup>th</sup> of an ounce of gold. There is no statutory definition of "dollar" that equates a Federal Reserve Note with a dollar and the legal definition of "money" found in Black's Law Dictionary specifically excludes "notes" from the definition of "money". See: Exhibit 1047; <http://sedm.org/Exhibits/ExhibitIndex.htm>
11. **"nontaxpayer"**: Same definition as "taxpayer" above.
12. **"individual"**: Defined as follows:
  - 12.1. Excludes the "individual" defined in 26 CFR §1.1441-1(c)(3).
  - 12.2. Excludes "aliens" as defined in 26 U.S.C. §7701(b)(1)(A) and "nonresident aliens" as defined in 26 U.S.C. §7701(b)(1)(B).
  - 12.3. Excludes the definition found in 5 U.S.C. §552a(a)(2), who are all "domiciliaries" of the "United States".
  - 12.4. Excludes the statutory "citizens and nationals of the United States" defined in 8 U.S.C. §1401.
  - 12.5. Includes persons who are nonresident aliens not engaged in a "trade or business" who have no earnings from the "United States" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) and whose estate is a "foreign estate" pursuant to 26 U.S.C. §7701(a)(31).
13. **"employee"**: Defined as:
  - 13.1. A person who works for a "private employer" and not a "public employer" or any state or federal government, who is NOT engaged in a "trade or business" as defined in 26 U.S.C. §7701(a)(26), and who has no liability to deduct, withhold, or pay any tax described in 26 U.S.C. Subtitles A, B, or C.
  - 13.2. NOT the person described in 26 U.S.C. §3401(c) or 26 CFR §31.3401(c)-1 or any other statute or regulation published by the United States federal government.
14. **"employer"**: A person who has "employees".
15. **"wage" or "wages"**: The term defined in 26 U.S.C. §3401(a). Excludes earnings of persons who are not engaged in a "public office" or a "trade or business" or who have not made an "election" to associate their earnings with a "public office" by voluntarily submitting an "agreement" pursuant to 26 CFR §31.3401(a)-3(a), and 26 CFR §31.3402(p)-1. Consequently, anyone who does not submit an IRS form W-4 and who is not otherwise engaged in a "public office" earns no reportable "wages" or "gross income" in connection with their labor pursuant to 26 CFR §31.3401(a)-3(a), and 26 CFR §31.3402(p)-1.
16. **"trade or business"**: Defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". Excludes anything or class of thing not expressly described somewhere in the Internal Revenue Code. See: The "Trade or Business" Scam, Form #05.001; <http://sedm.org/Forms/FormIndex.htm>
17. **"gross income"**: Profit originating from within the United States government corporation and earned by a federal instrumentality. Pursuant to 26 U.S.C. §871, said profit must either originate from the District of Columbia or abroad pursuant to 26 U.S.C. §911 but may not originate within any state of the Union.
18. **"beneficial owner"**: Defined as a person who is:
  - 18.1. NOT the entity described 26 CFR §1.1441-1(c)(6) or any other statute or regulation published by the United States federal government.
  - 18.2. A "nonresident" but not "alien" not engaged in a "trade or business" who is a "nontaxpayer" not subject to any provision of Internal Revenue Code Subtitles A, B, or C.
19. **"U.S. person"**: Defined as:
  - 19.1. NOT the entity described 26 U.S.C. §7701(a)(30) or any other statute or regulation published by the United States federal government.
  - 19.2. A person domiciled in either a state of the Union or a foreign country on land not under the exclusive jurisdiction of the United States Federal Government as documented in 40 U.S.C. §3112.
  - 19.3. Not subject to any act of Congress.
20. **"personal services"**: Defined as services which:
  - 20.1. Are NOT connected with a "trade or business" or a "public office" within any government or any other government "franchise".
  - 20.2. Are NOT the term defined in 26 CFR §1.469-9(b)(4).
  - 20.3. Are NOT defined or referenced anywhere within any statute or regulation published by the United States federal government and therefore entirely beyond the jurisdiction of the government to regulate.
  - 20.4. Are connected with labor of a human being that is not subject to withholding, attachment, or taxation of any kind:

*"Every man has a natural right to the fruits of his own labor, is generally admitted; and no other person can rightfully deprive him of those fruits, and appropriate them against his will..."*

*[The Antelope, 23 U.S. 66; 10 Wheat 66; 6 L Ed. 268 (1825)]*

#### **FRANCHISE TERMS:** Domicile, residence, "benefit", etc.

21. **"citizen", "U.S. citizen", "citizen of the United States"**: A statutory "citizen and national of the United States" defined in 8 U.S.C. §1401 and excludes the term "Citizen" or "citizen of the United States" as used in the Constitution of the United States of America.
22. **"resident"**: Means an alien with a legal domicile or "residence" in the "United States", which includes the territories and possessions of the "United States" and excludes states of the Union.
23. **"permanent address"**: Defined as one's legal domicile. See: Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002; <http://sedm.org/Forms/FormIndex.htm>
24. **"benefit"**: Defined as follows:

*"Benefit: Advantage; profit, fruit; gain; interest associated with a specific transaction which conveys a right or property interest which:*

1. *Is not dispensed by an administrative agency of any state or federal government, but by a private individual.*
2. *Does not require the recipient to be an officer, agent, employee, or "personnel" within any government.*
3. *Is not called a "tax" or collected by the Internal Revenue Service, but is clearly identified as "private business activity beyond the core purposes of government"*
4. *Does not confer upon the grantor any form of sovereign, official, or judicial immunity.*
5. *Is legally enforceable in OTHER than a franchise court or administrative agency. That is, may be heard in equity within a true, Article III constitutional court and NOT a legislative franchise court.*

What the above table clearly shows is that the word "State" in the context of federal statutes and regulations means (not includes!) federal States only under Title 48 of the U.S. Code<sup>4</sup>, and these areas do not include any of the 50 Union States. This is true in most cases and especially in the Internal Revenue Code. The lower case word "state" in the context of federal statutes and regulations means one of the 50 union states, which are "foreign states", and "foreign countries" with respect to the federal government as clearly explained in section 5.2.11 of the Great IRS Hoax book. In the context of the above, a "Union State" means one of the 50 Union states of the United States\* (the country, not the federal United States\*\*) mentioned in the Constitution for the United States of America.

## SECTION 8: MANDATORY FRANCHISE AGREEMENT

All information relating to Submitter and all property of the Submitter in the custody or control or influence of the Recipient, including but not limited to the labor and earnings of the Submitter, are protected by the following franchise agreement, which is hereby incorporated by reference into this submission.

Sovereignty Franchise and Agreement, Form #06.027  
<http://sedm.org/Forms/FormIndex.htm>

The above franchise shall govern any any all commercial or governmental uses of information relating to or property owned by the Submitter both prior to and after this submission and all relationships between the Submitter and any government or government agent, officer, or withholding agent. By accepting or using or affecting all such information or property relating to the Submitter for any purpose, the Recipient of this form and all his/her/its agents, assigns, and any and all government entities he or she or it represents implicitly consents to all present and future versions of the above franchise. If Recipient is acting as a tax withholding or reporting agent under 26 U.S.C. §7701(a)(16), Recipient represents that he/she/it has the authority to obligate the government for whom it is acting as said agent, and that if it cannot obligate said government, then it also has no legal authority to act as said agent to begin with.

If the Submitter of this form is treated by any government or court as a public officer or as being engaged in a statutory "trade or business" per 26 U.S.C. §7701(a)(26) in relation to the transaction or relationship established or described by this submission and any attached forms, Submitter hereby exercises his sovereign capacity as said compelled and public officer of any and all governments he or she is imputed to represent in consenting to this agreement on behalf of said government, and in assigning the role of "Government Actor" to everyone in the government who might benefit commercially or financially, both directly or indirectly, by using the information or property protected by the above franchise contract for their commercial benefit.

This attachment shall accompany any and all tax forms, withholding forms, and reporting forms in the custody of the Recipient and his agent or assigns, and any and all reports sent to any government entity and relating to the Submitter in order to give reasonable notice to all parties affected by the above franchise. It shall especially accompany all information returns submitted by the Recipient or his/her/its agents and assigns to any government, including but not limited to IRS forms W-2, 1042-S, 1098, and 1099.

Like government laws, the above franchise agreement is subject to change without notice to the Recipient of this form or the government he/she/it is acting as an agent for. This is a requirement of the mandate for equal protection and equal treatment that is the foundation of the United States Constitution. Caveat emptor.

## SECTION 9: CONSTRAINTS ON THE DELEGATED AUTHORITY OF THE SUBMITTER IN RE GOVERNMENT

1. Submitter is acting in a fiduciary and trustee capacity for God the Father and ONLY God 24 hours a day, seven days a week.
2. The terms of the trust indenture constraining his delegated authority are found in the Holy Bible Trust Indenture. The terms of that trust indenture are exhaustively enumerated in the following document:  
Delegation of Authority Order from God to Christians, Form #13.007  
<http://sedm.org/Forms/FormIndex.htm>
3. Under the terms of the Holy Bible Trust Indenture, Submitter has NO DELEGATED AUTHORITY:
  - 3.1. To accept or consent to any duties or obligations toward, pay any monies to, or render any property or consideration to any government ruler, king, agent, or representative other than God's government on earth beyond that described herein. See sections 2.1, 4.4.3 and 4.4.4 of the above document.

**"You shall have no other gods [including government, laws, or judges] before Me.**

*"You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth: **you shall not bow down to them nor serve [obey] them.** For I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.  
 [Exodus 20:3-6, Bible, NKJV]*

**"You shall make no covenant with them [foreigners], nor with their [pagan government] gods [or judges]. They shall not dwell in your land [and you shall not dwell in theirs by becoming a "resident" in the process of contracting with them], lest they make you sin against Me. For if you serve their gods [under contract or agreement], it will surely be a snare to you."**  
 [Exodus 23:32-33, Bible, NKJV]

*"It is our true policy to **steer clear of permanent alliances** [contracts/covenants] with any portion of the foreign world."  
 [George Washington, Farewell Address]*

*"Peace, commerce, and honest friendship with all nations – **entangling alliances [contracts, covenants, treaties] with none**."  
 [Thomas Jefferson, First Inaugural Address, March 4, 1801]*

- 3.2. To act as a "public officer", instrumentality, or agent of the government in any capacity, and especially in the context of the "trade or business" franchise defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". I may ONLY serve the Lord and ONLY have allegiance and protection from Him and not any vain judge, ruler, or man. See section 2.1 in the above document and Luke 16:13.

<sup>4</sup> See <http://www4.law.cornell.edu/uscode/48/>



2. Constitutional diversity of citizenship under U.S. Constitution Article III, Section 2 but NOT statutory diversity pursuant to 28 U.S.C. §1332(a)(2).
3. No jurist or judge may be a statutory "U.S. citizen" under 8 U.S.C. §1401, a "taxpayer" under 26 U.S.C. §7701(a)(14), or be in receipt of any federal financial or other privilege, benefit, or employment, nor maintain a domicile on federal territory in order to avoid violating 18 U.S.C. §597 and 28 U.S.C. §455. Such persons would NOT be my "peers", but my mortal socialist enemies.
4. The common law of the state of the Union and no federal law or act of Congress or the Internal Revenue Code are the rules of decision, as required Fed.R.Civ.P. Rule 17(b), 28 U.S.C. §1652, and Erie RR v. Tompkins, 304 U.S. 64 (1938).
5. Any judge who receives retirement or employment benefits derived from Subtitle A of the I.R.C. recuse himself in judging the law and defer to the jury to judge both the facts and the law, as required under 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
6. All of the pleadings, exhibits, and statements made, including those about the law, are admitted into evidence and subject to examination by the jury and/or fact finder.
7. None of the pleadings in the case are sealed or unpublished so as to cover up government wrongdoing or otherwise obstruct justice.
8. The signator is not censored or restricted by the judge in what he can say to the jury during the trial.
9. Submitter is treated as a "foreign sovereign" under the Foreign Sovereign Immunities Act, 28 U.S.C. §1602 through 1611.
10. Submitter is not treated as a "person" under 26 U.S.C. §6671(b) or 26 U.S.C. §7343, which is defined as an officer of a corporation or partnership who has a fiduciary duty to the public as a "public officer". See:  
<http://sedm.org/Forms/MemLaw/WhyThiefOrEmployee.pdf>  
<http://sedm.org/Forms/Affidavits/AffCorpDenial.pdf>
11. Submitter is not treated as an "individual", which is defined in 5 U.S.C. §552a(a)(2) as a "U.S. Citizen" under 8 U.S.C. §1401 or a permanent resident, who collectively are domiciliaries of the "United States", which is defined as the "District of Columbia" in 26 U.S.C. §7701(a)(9) and (a)(10) and is not extended elsewhere in the code to include states of the Union.
12. If the I.R.C. Subtitle A, which is private law, a "public right", a franchise, and a "statutory privilege" that only applies to those who consent explicitly or implicitly, is cited by the opponent against the Submitter, then the opponent must provide written proof of informed consent by the Submitter to the terms of the private law being cited. This is a fulfillment of the requirement that when jurisdiction is challenged, proof of jurisdiction must appear on the record. Otherwise, the private law must be removed from evidence of a liability or obligation.

*"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."*  
*[Brady v. U.S., 397 U.S. 742 (1970)]*

Non-acceptance of this affirmation or refusal to admit all evidence attached to this pleading into the record by the Court shall constitute evidence of duress upon the Submitter. This affirmation is an extension of my right to contract guaranteed under Article 1, Section 10 of the United States Constitution and may not be interfered with by any court of a State of the Union or of the United States.

17. Submitter signature:	 Signature	18. Date signed:	November 1, 2014
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#### SECTION 7: FREE REFERENCES WHICH CONFIRM THIS SUBMISSION

Assessments: <a href="http://famguardian.org/TaxFreedom/CitesByTopic/assessment.htm">http://famguardian.org/TaxFreedom/CitesByTopic/assessment.htm</a>	Family Guardian-Taxation page: <a href="http://famguardian.org/Subjects/Taxes/taxes.htm">http://famguardian.org/Subjects/Taxes/taxes.htm</a>
Master File Decoding: <a href="http://sedm.org/ItemInfo/Programs/MFDecoder/MFDecoder.htm">http://sedm.org/ItemInfo/Programs/MFDecoder/MFDecoder.htm</a>	Liberty University: <a href="http://sedm.org/LibertyU/LibertyU.htm">http://sedm.org/LibertyU/LibertyU.htm</a>
Litigation Tools Page: <a href="http://sedm.org/Litigation/LitIndex.htm">http://sedm.org/Litigation/LitIndex.htm</a>	Great IRS Hoax book: <a href="http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm">http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm</a>

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the people shall be taken on the same, and provision shall be made in the act for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt be paid: *Provided*, That the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

People to vote thereon, and on tax levy.

SEC. 15. *And be it further enacted*, That the legislative assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the District under any contract or agreement made, without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

No extra allowances, &c. to any public officer.

Certain payments not to be made.

SEC. 16. *And be it further enacted*, That the District shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan, or extend its credit to or in aid of any public or other corporation, association, or individual.

Credit of the District not to be loaned, &c.

SEC. 17. *And be it further enacted*, That the legislative assembly shall not pass special laws in any of the following cases, that is to say: For granting divorces; regulating the practice in courts of justice; regulating the jurisdiction or duties of justices of the peace, police magistrates, or constables; providing for changes of venue in civil or criminal cases, or swearing and impaneling jurors; remitting fines, penalties, or forfeitures; the sale or mortgage of real estate belonging to minors or others under disability; changing the law of descent; increasing or decreasing the fees of public officers during the term for which said officers are elected or appointed; granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatsoever. The legislative assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to the District or to any municipal corporation therein, nor shall the legislative assembly have power to establish any bank of circulation, nor to authorize any company or individual to issue notes for circulation as money or currency.

Special laws not to be passed in certain specified cases.

Assembly to have no power to do certain acts.

SEC. 18. *And be it further enacted*, That the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted.

Legislative power of the District to extend to what.

All acts subject to repeal, &c. by Congress.

SEC. 19. *And be it further enacted*, That no member of the legislative assembly shall hold or be appointed to any office, which shall have been created or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was appointed or elected, and for one year after the expiration of such term; and no person holding any office of trust or profit under the government of the United States shall be a member of the legislative assembly.

Members of assembly not to hold, &c. certain offices.

Certain persons not to be members of assembly.

SEC. 20. *And be it further enacted*, That the said legislative assembly shall not have power to pass any ex post facto law, nor law impairing the obligation of contracts, nor to tax the property of the United States, nor to tax the lands or other property of non-residents higher than the lands or other property of residents; nor shall lands or other property in said district be liable to a higher tax, in any one year, for all general objects, territorial and municipal, than two dollars on

Limit to power of assembly.

3 Exhibit 16

enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the legislative assembly.

Board of health.

SEC. 27. *And be it further enacted*, That the offices and duties of register of wills, recorder of deeds, United States attorney, and United States marshal for said District shall remain as under existing laws till modified by act of Congress; but said legislative assembly shall have power to impose such additional duties upon said officers, respectively, as may be necessary to the due enforcement of the laws of said District.

Register of wills, recorder of deeds.  
Attorney and marshal.

SEC. 28. *And be it further enacted*, That the said legislative assembly shall have power to create by general law, modify, repeal, or amend, within said District, corporations aggregate for religious, charitable, educational, industrial, or commercial purposes, and to define their powers and liabilities: *Provided*, That the powers of corporations so created shall be limited to the District of Columbia.

Corporations;

Limited to the District.

SEC. 29. *And be it further enacted*, That the legislative assembly shall define by law who shall be entitled to relief as paupers in said District, and shall provide by law for the support and maintenance of such paupers, and for that purpose shall raise the money necessary by taxation.

Paupers.

SEC. 30. *And be it further enacted*, That the legislative assembly shall have power to provide by law for the election or appointment of such ministerial officers as may be deemed necessary to carry into effect the laws of said District, to prescribe their duties, their terms of office, and the rate and manner of their compensation.

Ministerial officers.

SEC. 31. *And be it further enacted*, That the governor, secretary, and other officers to be appointed pursuant to this act, shall, before they act as such, respectively, take and subscribe an oath or affirmation before a judge of the supreme court of the District of Columbia, or some justice of the peace in the limits of said District, duly authorized to administer oaths or affirmations by the laws now in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and all civil officers in said District, before they act as such, shall take and subscribe a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the District, who may be duly commissioned and qualified, or before the Chief Justice of the Supreme Court of the United States, which said oath or affirmation shall be certified and transmitted by the person administering the same to the secretary, to be by him recorded as aforesaid; and afterward the like oath or affirmation shall be taken and subscribed, certified and recorded in such manner and form as may be prescribed by law.

Governor, secretary, &c. to take oath or affirmation.

Oaths to be certified, &c.

SEC. 32. *And be it further enacted*, That the governor shall receive an annual salary of three thousand dollars; and the secretary shall receive an annual salary of two thousand dollars, and that the said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the treasury of the United States; but no payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive four dollars each per day during their actual attendances at the session thereof, and an additional allowance of four dollars per day shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, one engrossing and one enrolling clerk, and a sergeant-at-arms may be chosen for each house;

Salaries of governor and secretary.

Pay of members of assembly.

Clerks and sergeant-at-arms.

shall be president of said board; four persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate, one of whom shall be a civil engineer, and the others citizens and residents of the District, having the qualifications of an elector therein; one of said board shall be a citizen and resident of Georgetown, and one of said board shall be a citizen and resident of the county outside of the cities of Washington and Georgetown. They shall hold office for the term of four years, unless sooner removed by the President of the United States. The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress. They shall disburse upon their warrant all moneys appropriated by the United States, or the District of Columbia, or collected from property-holders, in pursuance of law, for the improvement of streets, avenues, alleys, and sewers, and roads and bridges, and shall assess in such manner as shall be prescribed by law, upon the property adjoining and to be specially benefited by the improvements authorized by law and made by them, a reasonable proportion of the cost of the improvement, not exceeding one third of such cost, which sum shall be collected as all other taxes are collected. They shall make all necessary regulations respecting the construction of private buildings in the District of Columbia, subject to the supervision of the legislative assembly. All contracts made by the said board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District; and said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made. All contracts made by said board in which any member of said board shall be personally interested shall be void, and no payment shall be made thereon by said District or any officers thereof. On or before the first Monday in November of each year, they shall submit to each branch of the legislative assembly a report of their transactions during the preceding year, and also furnish duplicates of the same to the governor, to be by him laid before the President of the United States for transmission to the two houses of Congress; and shall be paid the sum of two thousand five hundred dollars each annually.

SEC. 38. *And be it further enacted*, That the officers herein provided for, who shall be appointed by the President, by and with the advice and consent of the Senate, shall be paid by the United States by appropriations to be made by law as hereinbefore provided; and all other officers of said District provided for by this act shall be paid by the District: *Provided*, That no salary shall be paid to the governor as a member of the board of public works in addition to his salary as governor, nor shall any officer of the army appointed upon the board of public works receive any increase of pay for such service.

SEC. 39. *And be it further enacted*, That if, at any election hereafter held in the District of Columbia, any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious, or vote more than once at the same election for any candidate for the same office, or vote at a place where he may not be entitled to vote, or vote without having a lawful right to vote, or do any unlawful act to secure a right or opportunity to vote for himself or any other person, or by force, threats, menace, or intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of the District of Columbia from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right, or compel or induce, by any such means or otherwise, any

Board of public works, of whom to consist; Vol. xvii. p. 7.

term of office;

powers and duties. Streets and sewers.

Disbursement of moneys.

Betterments.

Private buildings.

Contracts.

Limit to power to contract.

Annual report.

Pay.

Officers appointed by the President to be paid by the United States. Other officers.

Proviso.

Penalty for illegal voting and illegal conduct at elections.

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the District of Columbia be, and is hereby, declared to be the successor of said corporations, and all the property of said corporations, and of the county of Washington, shall become vested in the said District of Columbia, and all fines, penalties, costs, and forfeitures, which are now by law made payable to said cities, respectively, or said levy court, shall be paid to said District of Columbia, and the salaries of the judge and clerk of the police court, the compensation of the deputy clerk and bailiffs of said police court, and of the marshal of the District of Columbia shall be paid by said District: *Provided*, That the moneys collected upon the judgements of said police court, or so much thereof as may be necessary, shall be applied to the payment of the salaries of the judge and other officers of said court, and to the payment of the necessary expenses thereof, and any surplus remaining after paying the salaries, compensation, and expenses aforesaid, shall be paid into the treasury of the District at the end of every quarter.

District of Columbia to be the successor of the cities of Washington and Georgetown, &c.  
Fines and costs.

Salaries of judge and other officers of police court.

Surplus to be paid into the treasury.

APPROVED, February 21, 1871.

CHAP. LXIII. — *An Act to change the Times for holding the district and circuit Courts of the United States at Erie, Pennsylvania.*

Feb. 21, 1871.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after this date the July terms of the district and circuit courts of the United States in and for the western district of Pennsylvania, at Erie, shall be commenced and held on and after the third Monday of July in each year; and the January terms of said court at the same place shall be commenced and held at Erie, Pennsylvania, on and after the second Monday in January of each year.

Terms of United States courts at Erie, Pa.

APPROVED, February 21, 1871.

CHAP. LXIV. — *An Act to provide for the Apportionment of the Members of the legislative Assembly of the Territory of Colorado.*

Feb. 21, 1871

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the governor, chief justice, and United States attorney for the Territory of Colorado, on or before the first day of June next, to make an apportionment of the members of the council and house of representatives of the said Territory, among the several districts, for the election of members of the council and house of representatives, giving to each section of the Territory representation in ratio of its population, as near as may be, as ascertained by the census taken by authority of the United States in the year eighteen hundred and seventy.

Apportionment of members of the legislative assembly of Colorado.

Ratio of population.

SEC. 2. *And be it further enacted*, That it shall be the duty of said governor, chief justice, and United States attorney to make an official certificate showing the number of members of the council and house of representatives the several districts of said Territory are entitled [to] as apportioned under the provisions of this act, and file said certificate in the office of the secretary of said Territory, on or before the first day of July next, and said apportionment so made shall be held to be the proper and legal apportionment for the members of the next legislative assembly of the Territory of Colorado.

Official certificate of apportionment.

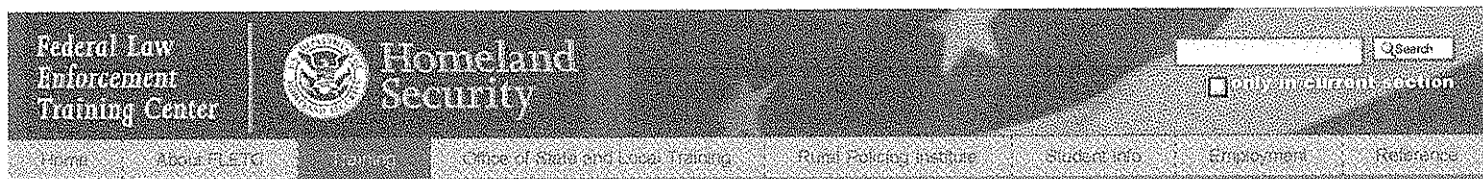
APPROVED, February 21, 1871.

CHAP. LXV. — *An Act to repeal an Act of the Legislature of Wyoming Territory apportioning said Territory for Members of the Council and House of Representatives of the Territorial Legislature.*

Feb. 21, 1871.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of the legislature of the Territory of Wyoming, entitled "An act apportioning

Apportionment act of legislature of Wyoming Ter.



You are here: Home → Training → Programs → Legal Division → Podcasts → FLETC Legal Division: The Federal System: Law Enforcement Jurisdiction and the Courts → The Federal System: Law Enforcement Jurisdiction and the Courts Transcripts → Territorial Jurisdiction on Federal Property (transcript)

## Navigate

**The Federal System: Law Enforcement Jurisdiction and the Courts Transcripts**

**Territorial Jurisdiction on Federal Property (transcript)**

## Territorial Jurisdiction on Federal Property (transcript)

Solari: Welcome to the next in our series of podcasts. I'm Jenna Solari, a senior instructor in the FLETC Legal Division, and with me today is another senior instructor in Legal Division, Steve Perry. Today, we are going to be discussing the exercising of federal law enforcement authority on government property, and also the ways in which federal ownership of land or property may affect federal law enforcement authority on those lands. Steve is our resident expert here, so Steve if you could tell our listeners a little bit about yourself.

Perry: Thanks Jenna. I've been in law enforcement for 34 years now. Most relevant to what this little podcast is about is my experience as a federal law enforcement officer with the U.S. Forest Service. I worked in Idaho, Montana, and various other states both as a uniformed officer and as an agent. About four years ago I took a job as a regional chief and spent three years up in Alaska with the U.S. Fish & Wildlife Service.

Solari: Great, well tell us: why is knowledge of the types of ownership of federal lands important to knowing what federal law enforcement actions can be taken there?

Perry: It all starts with the United States Constitution. Everyone in federal law enforcement knows that there must be a connection between the offense and the federal government, a nexus we call it, for federal law enforcement to take action. The vast majority of law enforcement work is done by state and local police, and has always been so.

Solari: So then the issue then is, when does a federal nexus, or a federal connection, create a need for federal law enforcement on a particular piece of federal property?

Perry: Correct. And federal land has certain territorial jurisdiction aspects.

Solari: Well, and what types of federal property are there?

Perry: Originally, there were relatively few pieces of federal property to be concerned about, a few forts, arsenals, post offices and federal buildings in large cities. There were always large tracts of undeveloped public lands in the western United States, and of course large areas of Indian country lands. But the United States government was land-rich, and it encouraged westward expansion for over a hundred years by giving away and cheaply selling federal lands. Originally, little federal law enforcement took place.

Solari: What happened as the population began to move westward?

Perry: As the population moved, states often gave land to the United States to encourage development of new federal military installations, post offices, veteran's hospitals, research facilities, forests, refuges, parks. The government also purchased lands as needed for facilities and federal courthouses and other buildings. In the late 1800s, the government began protecting the remaining pieces of federal lands, often removing them entirely from further development.

Solari: So how much land are we really talking about today? What does the U.S. Government own as far as land and buildings?

Perry: The U.S. owns more than you might think. In 2004 the General Services Administration estimated the United States government owns almost 30% of all land in the United States; that's around 670 million acres of land in the United States, plus another 1 million acres owned outside the country. The U.S. government also owns over 432,000 buildings and leases another 42,000 buildings.

Solari: Well, clearly there's no way the federal government can provide law enforcement services for all that property, those buildings and all that land.

Perry: No, and it was never intended that the United States do so. Remember that well over 90% of all law enforcement today is handled by state and local authorities. Federal officers and agents investigate and prosecute a very small percentage of criminal justice activity in the United States.

Solari: Is there a legal standard for determining the appropriate federal law enforcement support for all these properties and buildings?

Perry: Over time, there has come to be three general categories of federal land ownership. How much federal law enforcement is done, if in fact any is done at all, depends on what category of federal land we are talking about.

Solari: Well, let's start off with the largest category, which one's that?

Exhibit 1H



Solari: Well it seems like this category, concurrent jurisdiction, gives the federal law enforcement officer or agent the most options.

Perry: That's true. Many federal law enforcement agencies prefer to have concurrent jurisdiction on their lands, because they can share the workload, so to speak, with the state and local officers. However, concurrent jurisdiction brings other non-law enforcement responsibilities to that agency as well, and some agencies prefer to keep their properties held as proprietary jurisdiction.

Solari: That makes sense. Now Steve, I've heard the term "Special Maritime & Territorial Jurisdiction", or sometimes called SMTJ. I hear that used. Is that the same as what we're talking about here?

Perry: Not exactly the same thing. Exclusive jurisdiction and concurrent jurisdiction are included within the term Special Maritime & Territorial Jurisdiction, or SMTJ. That is a statute, 18 United States Code Section 7, that lists areas of federal jurisdiction for which certain crimes may be prosecuted.

Solari: So let's assume that a crime has occurred in an area of exclusive jurisdiction. So only federal law applies, and only a federal officer or agent can handle the case. But let's say the behavior, the offense that's occurring at the scene, doesn't have a federal statute to cover it. You're telling me we can't call in the state or local officers to handle it. So what do we do now?

Perry: Well that's a good question. Congress, long ago solved that problem, partially, and created a statute: Title 18 United States Code Section 13, that allows the officer or agent to assimilate an applicable state law under those circumstances. We know it as the Assimilative Crimes Act, it allows a federal officer who lacks an appropriate federal charge to use an appropriate state law in federal court. The charge is brought in the federal court, it's tried in the federal court, and if convicted the defendant does time in federal prison. The limitation on assimilative crimes is that if there is a federal statute covering the offense, that federal statute must be used. The officer can not shop between the jurisdictions to get the best charge in this case.

Solari: Alright. Well does the Assimilative Crimes Act work for concurrent and for proprietary jurisdiction also?

Perry: By definition, it does work, but only in the areas of exclusive or concurrent jurisdiction. It can not be used in areas of proprietary jurisdiction.

Solari: One last question: how would a person who has newly arrived at his or her duty station, find out which category he or she is working in?


Perry: The agency should always know how it legally holds all of its property. Often, there is no dispute about the ownership, and all lands are the same type. Other places may have a mixture of types. I know of national parks, forests and military installations in this country where some of the land is concurrent and nearby land across the road, purchased at a later date for example may be proprietary. There's even the potential for having all three types of jurisdiction within one federal installation. It's a question every officer and agent should ask when arriving at an unfamiliar area.

Solari: Well I'm glad you've put us on notice of this issue, Steve, because it seems like it could create a pretty sticky issue, depending on where an agent or officer finds him or herself once they get on the job. So thank you very much, Steve, for helping us out with this issue today.

Perry: You're welcome.

Solari: For those of you who want to hear more of our podcasts, you can find them online at [www.fletc.gov/legal/podcasts](http://www.fletc.gov/legal/podcasts).

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 Territorial Jurisdiction on Federal Property (MP3)

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FLETC: 1131 Chapel Crossing Road, Glynco, GA 31524  
Phone (912) 267-2100

Exhibit 1H

EXHIBIT 7

ZOE LOFGREN  
15TH DISTRICT, CALIFORNIA

COMMITTEES

COMMITTEE ON THE JUDICIARY  
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INTELLECTUAL PROPERTY  
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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1516

PLEASE RESPOND TO:

- ☐ 318 CANNON BUILDING  
WASHINGTON, DC 20515  
(202) 225-3072  
zoe@lofgren.house.gov
- ☐ 635 North First Street  
Suite B  
San Jose, CA 95112  
(408) 271-8700
- ☐ [www.house-gov/lofgren](http://www.house-gov/lofgren)

October 30, 2000

Mr. Tom Gurske  
2190 Stokes St. #205  
San Jose, CA 95128

Dear Tom,

Thank you for writing to inquire about Congressional authority over the United States and the District of Columbia.

Your assertion that Congress has exclusive legislative authority over Washington, D.C. and limited legislative authority over the states is correct. There is no Constitutional requirement to identify the source of authority when passing a particular law, and often there are multiple or overlapping authorities for the same law. Because Congress may pass laws both national and local in scope, evaluations of Constitutional authority must be done on a case by case basis.

I have enclosed a letter from the American Law Division of the Library of Congress regarding your question, and I hope that this information is helpful to you. Again, thank you for writing, and if I can be of further assistance please don't hesitate to contact me.

Sincerely,



Zoe Lofgren  
Member of Congress

ZL:dc

PAGE 1



## State of Delaware

SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
P.O. BOX 898  
DOVER, DELAWARE 19903

080291513

9626647  
LEWIS MOHR  
PO BOX 6741  
ARLINGTON

03-13-2008

TX 76005-9999

DESCRIPTION	AMOUNT
UNITED STATES OF AMERICA, INC. 2193946 4100 Plain Copy	
Plain Copy Fee	12.00
FILING TOTAL	12.00
UNITED STATES OF AMERICA, INC. 2193946 4100A Plain Copy AR	
Plain Copy Fee	10.00
FILING TOTAL	10.00
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Plain Copy Fee	10.00
FILING TOTAL	10.00
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UNITED STATES OF AMERICA, INC. 2193946 8320 certificate of Filing	
Certification Fee	30.00
FILING TOTAL	30.00
TOTAL CHARGES	72.00
TOTAL PAYMENTS	72.00
SERVICE REQUEST BALANCE	.00

FILED

4-19-89

APR 19 1989

Non-stock

Non-profit

769109037  
CERTIFICATE OF INCORPORATION

of

UNITED STATES OF AMERICA, INC.FIRST: The name of this corporation is United States of America, Inc.

SECOND: Its registered office in the State of Delaware is to be located at 725 North Market Street in the City of Wilmington, County of New Castle. The registered agent in charge thereof is The Company Corporation at the same address.

THIRD: The nature of the business and the objects and purposes proposed to be transacted, promoted and carried on, are to do any and all the things herein mentioned, as fully and to the same extent as natural persons might or could do, and in any part of the world, viz:

This is a non-stock, non-profit corporation. The purpose of the corporation is to engage in any lawful act or activity for which non-profit corporations may be organized under the General Corporation Law of Delaware.

Said corporation is organized exclusively for charitable, religious, education, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), to wit:

To promote and foster the development of amateur tournaments and competitions; to support athletes in training and development; education and research of amateur sports, both national and international.

FOURTH: The corporation shall not have any capital stock and the conditions of membership shall be stated in the Bylaws.

FIFTH: The name and mailing address of the incorporator is:

Carol Saienni 725 Market Street Wilmington DE 19801

SIXTH: The powers of the incorporator are to terminate upon filing of the Certificate of Incorporation, and the name(s) and mailing address(es) of the persons who are to serve as director(s) until their successors are elected are as follows:

Elwood Dees, 5598 College Street, Kings Island, OH 45034-0362

SEVENTH: The activities and affairs of the corporation shall be managed by a Board of Directors. The number of directors which shall constitute the whole Board shall be such as from time to time shall be fixed by, or in the manner provided in, the Bylaws, but in no case shall the number be less than one. The directors need not be members of the corporation unless so required by the Bylaws or by Statute. The Board of Directors shall be elected by the members at the annual meeting of the corporation to be held on such date as the Bylaws may provide, and shall hold office until their successors are respectively elected and qualified. The Bylaws shall specify the number of directors necessary to constitute a quorum. The Board of Directors may, by resolution or resolutions passed by a

To use form, cut along dotted line.

## 1989 ANNUAL FRANCHISE TAX REPORT

STATE USE ONLY

MICHAEL N. CASTLE, Governor  
MICHAEL HARKINS, Secretary of State  
Phone (302) 736-4225

STATE OF DELAWARE



**FILED**  
MAR 1 1990

\$50.00 PENALTY

If not received  
on or before:

MARCH 1, 1990

DELAWARE FRANCHISE TAX  
P. O. BOX 7247-0114  
PHILA, PA. 19170-0114

## 1. AGENT

8018442

THE COMPANY CORPORATION  
725 MARKET STREET  
WILMINGTON

DE 19801



## 2. FILE NUMBER

2193946

## CORPORATION NAME

UNITED STATES OF AMERICA, INC.

SEC. NO.

163357

## 3. INCORPORATION DATE

04/18/1988

## RENEWAL DATE

## REVOCATION DATE

## FEDERAL EMPLOYER ID. NO.

## TYPE

NON-TAXABLE/RELIGIOUS, CHARITABLE, NON-PROFIT

## 4. NATURE OF BUSINESS

## 5. PRINCIPAL PLACE OF BUSINESS OUTSIDE OF DELAWARE

## 6. PERIODS NOT ENGAGED IN BUSINESS DURING 1989

## DATE FROM

## DATE TO

89

89

## 7. AUTHORIZED STOCK

## A. BEGIN DATE

## B. ENDING DATE

## C. DESIGNATION OR STOCK CLASS

## D. NO. OF SHARES

## E. PAR VALUE/SHARE

## F. NO. SHARES ISSUED

## G. TOTAL GROSS ASSETS

## H. ASSET DATE

## 8. A. FRANCHISE TAX

\$ .00

## B. \$50.00 PENALTY (IF APPLICABLE)

\$ .00

## C. 1% MONTHLY INTEREST ON TAX &amp; PENALTY (IF APPLICABLE)

\$ .00

## D. ANNUAL FILING FEE

\$ 10.00

## E. PREV. CREDIT OR BALANCE DUE

\$ .00

## F. PREPAID QUARTERLY PAYMENTS

\$ .00

## 9. ASSETS FOR REGULATED INVESTMENT CORPS

Jan. 1st

Dec. 31st

## DEDUCT PAYMENTS MADE AFTER

11/28/88

## G. QUARTERLY INTEREST/CHECK CHGS.

\$ .00

## TOTAL PAYMENT DUE

\$ 10.00

## 10. APPOINTED DATE OF NEXT ANNUAL MEETING OF STOCKHOLDERS TO ELECT DIRECTORS

## 11. DIRECTORS

## NAME

## STREET/CITY/STATE/ZIP

## DATE TERM EXPIRES

Elwood Dees

5558 College Street Kings Island, Oh 45034

Life

Ann Baden

904 N. "E" Street Hamilton, Oh 45013

Life

## 12. OFFICERS

## NAME

## STREET/CITY/STATE/ZIP

## DATE TERM EXPIRES

PRESIDENT Elwood Dees 5558 College Street Kings Island, Oh 45034 Life

VICE-PRESIDENT Elwood Dees Same

SECRETARY Elwood Dees Same

TREASURER Elwood Dees Same

OTHER OFFICERS Elwood Dees Same

## 13. PETITION FOR REVISION OF ASSESSMENT: State reason corporation requests a revision for not filing an adequate and/or timely Franchise Tax Report. (For nonstock corporation; requests removal of the \$50.00 late penalty.)

Reason:

## 14. ORIGINAL SIGNATURE (OFFICER, DIRECTOR OR INCORPORATOR)

## TITLE


## DATE

X Elwood Dees

President

2/23/90

SEND ORIGINAL COPY - RETURN ENTIRE COPY - DO NOT SEND PHOTOCOPIES - DO NOT DETACH SLIP

Filed: 02/28/92 Franchise Tax State of Delaware		<b>1991 ANNUAL FRANCHISE TAX REPORT</b>		FORM	
		STATE OF DELAWARE		MICHAEL R. CASTLE, Governor MICHAEL MARKINS, Secretary of State Phone (302) 739-4225	
					
1 AGENT 9018442 THE COMPANY CORPORATION 725 MARKET STREET WILMINGTON DE 19801		2 030192 2193946 000003000 0 4			
DO NOT ALTER FILE NUMBER					
2. FILE NUMBER 2193946		CORPORATION NAME UNITED STATES OF AMERICA, INC.		PHONE NUMBER 513-398-4711	
3. INCORPORATION DATE 04/19/1989		RENEWAL DATE		REVOCATION DATE	
				FEDERAL EMPLOYER ID. NO. TYPE NON-TAXABLE/RELIGIOUS, CHARITABLE, NON-PROFIT	
4. NATURE OF BUSINESS		5. PRINCIPAL PLACE OF BUSINESS OUTSIDE OF DELAWARE		6. PERIODS NOT ENGAGED IN BUSINESS DURING YEAR	
				DATE FROM DATE TO	
7. AUTHORIZED STOCK A. BEGUN DATE B. ENDING DATE		C. DESIGNATION OR STOCK CLASS		D. NO. OF SHARES	
				E. PAR VALUE/SHARE	
				F. NO. SHARES ISSUED	
				G. TOTAL GROSS ASSETS	
				H. ASSET DATE	
8. A. FRANCHISE TAX \$ .00		B. \$50.00 PENALTY (IF APPLICABLE) \$		C. 1% MONTHLY INTEREST ON TAX & PENALTY (IF APPLIC.) \$ .00	
				D. ANNUAL FILING FEE \$ 20.00	
				E. PREY CREDIT OR BALANCE DUE \$ 10.00	
				F. PREPAID QUARTERLY PAYMENTS .00	
9. ASSETS FOR REGULATED INVESTMENT CORPS Jan. 1st Dec. 31st		DEDUCT PAYMENTS MADE AFTER 11/30/91		G. QUARTERLY INTEREST/CHECK CHG. \$ .00	
				TOTAL PAYMENT DUE \$ 30.00	
10. APPOINTED DATE OF NEXT ANNUAL MEETING OF STOCKHOLDERS TO ELECT DIRECTORS (MM/DD/YY) / /					
11. DIRECTORS NAME STREET/CITY/STATE/ZIP DATE TERM EXPIRES					
12. OFFICERS NAME STREET/CITY/STATE/ZIP DATE TERM EXPIRES					
PRESIDENT Edward DEES 5574 College St. Kings Island, OH 45034-0767 LIFE					
VICE-PRESIDENT					
SECRETARY Anne Barton DEES 904 North E. St. Hamilton, OH 45013 LIFE					
TREASURER					
OTHER OFFICERS					
13. ORIGINAL SIGNATURE (OFFICER, DIRECTOR OR INCORPORATOR) TITLE DATE					
X Edward DEES Notified 2-28-92					





## SOCIAL SECURITY

March 21, 2008

Mr. Albert [REDACTED]  
[REDACTED]  
Orlando, Florida [REDACTED]

Dear Mr. [REDACTED]:

This letter is in response to your correspondence about the Social Security program. People cannot voluntarily end their participation in the program. Under Federal law, the payment of Social Security taxes is mandatory, regardless of the citizenship or place of residence of either the employer or the employee. Unless specifically exempt by law, everyone working in the United States is required to pay Social Security taxes.

Similarly, people cannot withdraw the Social Security taxes that they have already paid. Social Security taxes paid by employees and employers are not placed in individual accounts but are used to pay benefits to workers and their families today. To be paid these benefits, a person must **voluntarily** file an application.

The Social Security Administration is required by law (at section 205 of the Social Security Act) to maintain records of workers' earnings and to establish any other records necessary to carry out our responsibilities under the Social Security Act. Because many people have the same name, or change their name, a reliable and permanent system was needed to distinguish one individual from another in our records. Congress established the Social Security account number system to meet that need.

The Supreme Court has upheld the constitutionality of the Social Security system, as established by the Social Security Act, and mandatory individual participation. We will not respond further to your correspondence about voluntary participation in the Social Security program or the withdrawal of Social Security taxes.

The Internal Revenue Service has jurisdiction over the issue of liability for Social Security taxes; the United States Citizenship and Immigration Services has jurisdiction over the issue of citizenship. If you have questions about either of those subjects, you should contact one of those offices.

Sincerely,

*Sheryll Ziporkin*

Sheryll Ziporkin  
Acting Associate Commissioner  
Office of Public Inquiries

Exhibit # 06.001

## AFFIDAVIT OF Bret W. Ogilvie

In the name of Jesus Christ I do Solemnly Swear and depose that the following is true and correct.

I

That I did send an email to United States Senator from Nevada Senator John Ensign by and through Senator Ensign's official web site and that the attached documents include the words which I sent in that email.

II

16<sup>th</sup> That I did receive all of the attached documents by first class mail on December, in the year of our Lord 2006.

III

That the attached document is a copy I personally made and I know it to be a true and correct copy of the original.

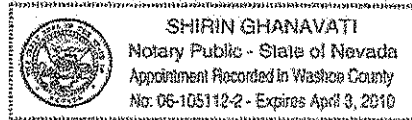
IV

Further this Affiant saith naught.

Bret W. Ogilvie  
Bret W. Ogilvie

SUBSCRIBED and SWORN to me on this 29<sup>th</sup> day of December, 2006 A.D.

Shirin Ghanavati  
NOTARY PUBLIC in said State and County



JOHN ENSIGN

NEVADA

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COMMERCE, SCIENCE, AND  
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# United States Senate

WASHINGTON, DC 20510-2805

October 17, 2006

365 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-2805  
(202) 224-6244

333 LAS VEGAS BOULEVARD, SOUTH  
SUITE 8703  
LAS VEGAS, NV 89101  
(702) 388-6605

400 SOUTH VIRGINIA STREET  
SUITE 738  
RENO, NV 89501  
(775) 686-5770

500 EAST WILLIAM STREET  
SUITE 304  
CARSON CITY, NV 89701  
(775) 885-9111

website: [ensign.senate.gov](http://ensign.senate.gov)

Mr. Donald J. Winn  
Federal Reserve  
20<sup>th</sup> & C Streets, NW  
Washington D.C. 20551

CLO: #185  
CCS: 06-9092  
RECVD: 10/27/06  
*Legal*

Dear Mr. Winn:

I have received the enclosed letter from Mr. Bret Ogilvie. Due to the desire of my office to be responsive to all inquiries, your consideration of -- and response to -- the enclosed letter will be greatly appreciated. Please reply directly to the constituent, and forward a copy of the responses to me, marked to the attention of Courtney Albregts in my Washington office.

Thank you in advance for your assistance with this matter.

Sincerely,

  
JOHN ENSIGN  
United States Senator

lawmsg.txt

I would like to know the legal definition of a dollar. Since the word dollar is found in the Constitution any change in its original meaning would seem to need a Constitutional amendment. If a dollar does not mean the same as a dollar in 1789 then we could also jst change the meaning of any word in the Constitution like the word navy or state to mean something different and then the Constitution would be meaningless.

According to the Constitution of the United States of America, Article 8, Congress shall have the power "To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;"

Since Congress has this power please tell me what a "dollar" is. It cannot mean two things with different values or it would be a violation of the Constitution to "fix the Standard of Weights and Measures."

The Constitution also states: Section. 10. No State shall... make any Thing but gold and silver Coin a Tender in Payment of Debts;

Since the United States Mint is now coining gold and silver dollars with face value denominations can you please explain to me how Nevada can "make any Thing but gold and silver Coin a Tender in Payment of debts..?"

Thank you for your help.

Sincerely

Bret W. Ogilvie

5

Exhibit 06.001

Mr. Bret W. Ogilvie  
Page 2

Since then, it has become well settled as a matter of law that the Federal Reserve System is legal under the U.S. Constitution

"Money" is not defined in the Federal Reserve Act or elsewhere in the United States Code. "Money" is generally understood to mean any medium of exchange that freely circulates from hand to hand. A "dollar" is the standard unit of money in our monetary system, just like the English call their standard unit of money a "pound" and the Japanese call their standard unit of money a "yen." A dollar is defined at 31 U.S.C. § 5101, which currently states:

United States money is expressed in dollars, dimes or tenths, cents or hundredths, and mills or thousandths. A dime is a tenth of a dollar, a cent is a hundredth of a dollar, and a mill is a thousandth of a dollar.

In the United States today, there are only two kinds of money in use in significant amounts: currency or "cash" (primarily Federal Reserve notes and coins in the pockets and purses of the public), and demand deposits or checking accounts. These deposits, bills, and coins all are properly referred to as "money." Both "cash" (currency and coin) and demand deposits are "money" to an equal degree for economic purposes, since \$1 in currency/coin and \$1 in demand deposits are freely convertible into each other. Milam v. U.S., 524 F.2d 629 (9th Cir. 1974), is typical of numerous federal court cases rejecting the proposition that the Constitution requires "money" or "dollars" to be either gold or silver. In that case, the U.S. Court of Appeals for the Ninth Circuit observed: "While we agree that golden eagles, double eagles and silver dollars were lovely to look at and delightful to hold, we must at the same time recognize that time marches on . . . Appellant is entitled to redeem his [Federal Reserve] note, but not in precious metal. Simply stated, we find his contentions frivolous." Id.

At earlier times in history, the dollar was legally defined to the extent of its value in terms of a set amount or weight of silver or gold. The dollar has not been "defined" in terms of a set amount of gold or silver, or in terms of a set value of some other kind, for many years. The legal tender value of a dollar is the same regardless of whether the dollar is a currency note or coin of any kind of metal. For example, a one-dollar currency note issued at some point in the 1800's would probably have a numismatic value well in excess of its face value because of its historical age and rarity. Nevertheless, its legal tender value is that of its face value: one dollar. Similarly, gold or silver one-dollar coins have the same legal tender value as a one-dollar Federal Reserve note, even though their value in terms of their weight in precious metal is typically greater than their face value. The Secretary of the Treasury is authorized by law to mint the gold and silver coins currently issued and to sell the coins so minted at a price equal to the

PUBLIC LAW 97-280—OCT. 4, 1982

96 STAT. 1211

Public Law 97-280  
97th Congress

Joint Resolution

Authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

Oct. 4, 1982  
[S.J. Res. 165]

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized and requested to designate 1983 as a national "Year of the Bible" in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures.

Year of the  
Bible.

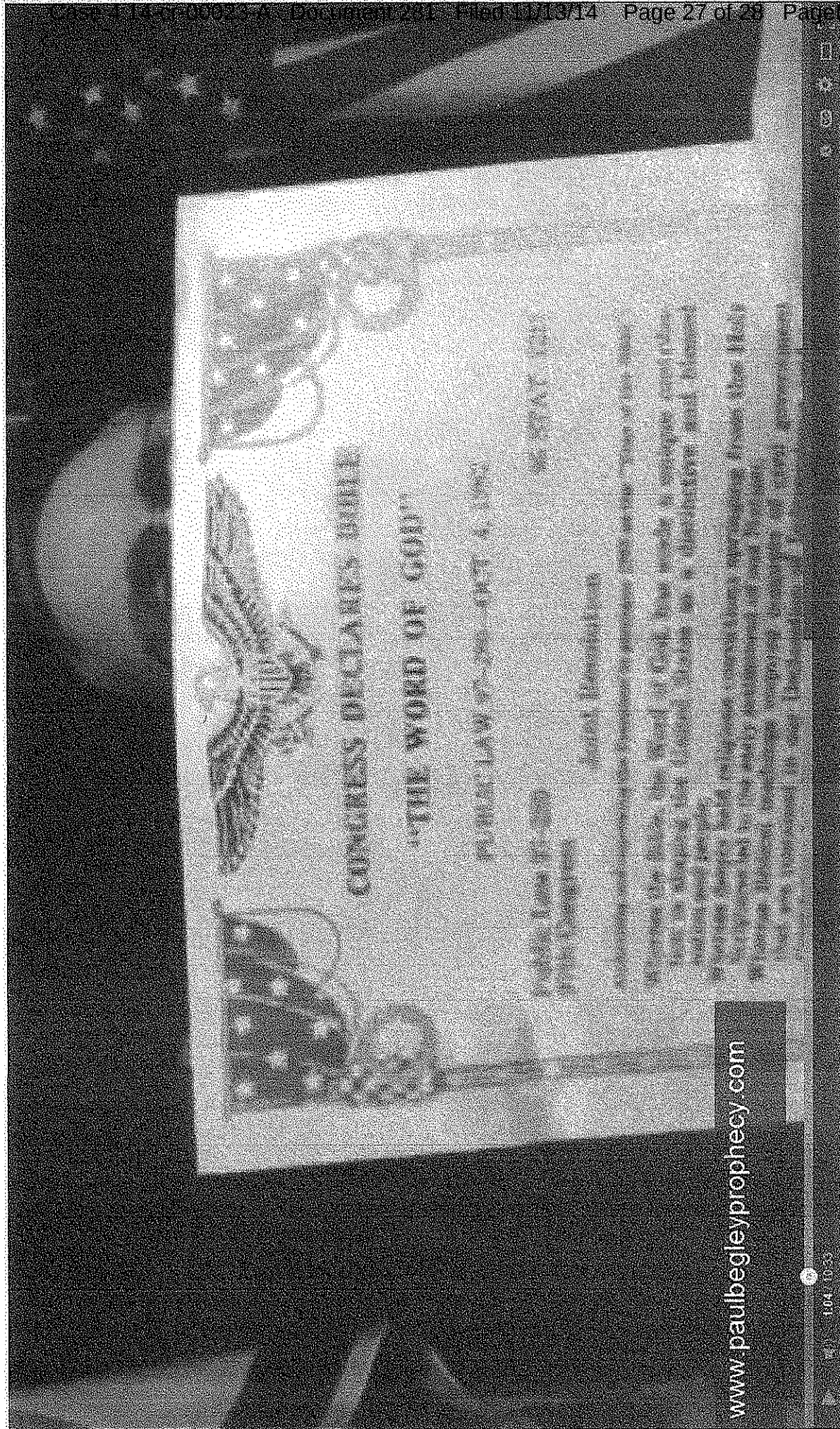
Approved October 4, 1982.

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LEGISLATIVE HISTORY—S.J. Res. 165:

CONGRESSIONAL RECORD, Vol. 128 (1982):  
Mar. 31, considered and passed Senate.  
Sept. 21, considered and passed House.





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